REMARKS

Claims 1-23 are all the claims pending in the present application. In summary, the Examiner essentially maintains the same rejections set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1-7, 9, 10, 13-16 and 21 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gupta et al. (U.S. Patent No. 6,738,081). Claims 8, 22 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gupta in view of Wambach et al. (U.S. Patent No. 6,097,369). Finally, claims 11, 12 and 17-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gupta in view of IBM Technical Disclosure Bulletin, "Dynamic Time-Dependent User Interface Modification", January 1994 ("IBM").

§102(e) Rejections (Gupta) - Claims 1-7, 9, 10, 13-16 and 21

The Examiner rejects claims 1-7, 10, 13-16, and 21 for the same reasons set forth in the previous Office Action, and adds new arguments in the *Response to Arguments* section of the present Office Action.

With respect to claim 1, Applicants previously argued that Gupta does not disclose or suggest at least, "determining whether desired information to be pointed at is included in the set pointing screen," and " pointing at the desired information included in the pointing screen when it is determined that the desired information is included in the pointing screen or after step (c)."

In the *Response to Arguments* Section of the present Office Action, the Examiner alleges:

> In the background of the invention section of Gupta, (see col. 1,
> lines 5-56), Gupta teaches that the requirement to select a region of
> a given subject image in a display is well known (see col. 1, lines

13-15). Gupta further teaches the method as taught in Microsoft PhotoEditor 3.0 of manipulating a display where markers are moved to shape a selected region for selection is also well known in the art and thus Gupta states that the well known selection technique is not discussed in the invention (see col. 2, lines 20-25). *See page 15 of Office Action.*

Additionally, Gupta expressly teaches the selection of a discrete point anywhere within the region (See col. 2, lines 20-25) and where the result of the manipulation of the masks over the image results in a selection region (See col. 3, lines 55-58). Gupta further teaches the limitations of step (c), when interpreted by the Examiner, where the user determines if the desired information is located in the selection window and then the user, by way of user motion of the input device, moves the pointing area either up, down, left or right. Gupta shows in Figs. 2-5 the process of adjusting the selection area with up, down, left and right motions (see Figs. 2-5 and col. 4, lines 17-47). *See page 16 of Office Action.*

In response, Applicants submit that even if, *arguendo*, the Examiner's description of Gupta are accurate, nowhere does Gupta disclose or suggest determining whether desired information to be pointed at is included in the set pointing screen. That is, even if Gupta does describe that information is pointed at, nowhere does this reference disclose or suggest the specific operation of determining whether desired information to be pointed at is included in a set pointing screen.

Further, the Examiner alleges:

Moreover, claim 1 as recited, where the limitation starting with "wherein at least one of steps (a), (c) and (d) is performed...In a claim of this type, the prior art only need to teach one of step a, c or d, along with (b) to meet the limitations of the claim. Therefore, Gupta teaches at least one of the limitations of the claim. For example, Gupta teaches a process of moving a set of masks, (Figs. 1-5, #'s 12-15) though the use of a pointer, or finger on a touch screen where the user adjusts the window like masks by selecting the corners and resizing in combination all four masks to cover the unwanted sections of the image for the purposes of highlighting a

specific region of the image. In viewing the steps of Gupta, (Figs. 2-5) one of ordinary skill in the art can see that the resulting image selection window as shown in Fig. 6 with the masks adjusted provides a setting of a portion of a full screen as a pointing screen. As, has already been discussed, it is known in the prior art on how to select a specific region of an image. *See pages 15-16 of Office Action.*

In response to the Examiner's assertion that the prior art only needs to "teach one of step a, c or d, along with (b)," Applicants submit that an applied reference needs to satisfy each and every one of the operations set forth in claim 1. That is, the limitation starting with, "wherein at least one of steps (a), (c), and (d) is performed...," qualifies how at least one of steps (a), (c) and (d) is performed. This limitation does not reflect that prior art only needs to perform one of steps (a), (c) and (d) along with (b); the limitation in its entirety indicates how at least one of said steps are performed (i.e., at least one of steps (a), (c), and (d) is performed (how?) by a user's motion in at least one direction selected from up, down, forward, backward, to the left, and to the right.

Applicants submit that dependent claims 2-7, 9, 10 and 13-16 are patentable at least by virtue of their respective ultimate dependency from independent claim 1.

With respect to independent claim 21, Applicants previously argued that Gupta does not disclose or suggest at least, " an information selection step of creating a pointing screen at a portion of a full screen at a user's option such that the pointing screen includes at least one piece of information to be executed," as recited in claim 21. In response, the Examiner alleges:

> Gupta teaches the process of setting a selection region through the use of overlapping masks for the purposes of highlighting only the region of interest for the user in a more efficient and expedited manner (see col. 1, lines 49-56). The masks specifically cover the areas not the be selected as shown in Fig. 6 where the skeletal image region of the chest is shown with the other areas masked. If

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the mask covers a particular region then a mouse pointer or any other input device could not select the region. Additionally, Fig. 6 shows the display of related medical records retrieved from the system where the information are extracts from the overall medical record. Which implies the system determines from the selected region of the image the specific information to retrieve and display to the user as shown in Fig. 6. (See also col. 3, lines 47-67). Additionally, as mentioned above the process of selecting a region of an image for the purposes of focusing on the selected region is well known in the art. *See page 17 of Office Action.*

In response, Applicants submit that the text window 26 in Fig. 6, which Applicants believe the Examiner believes corresponds to the medical records, is not indicated as being information that is specific to at least one piece of information to be executed. That is, the text window 26 appears to relate to an entire image, but not a particular piece of information to be executed. Therefore, at least based on the foregoing, Applicants submit that independent claim 21 is patentably distinguishable over Gupta.

§103(a) Rejections (Gupta/Wambach) - Claims 8, 22 and 23

Applicants submit that claims 8, 22 and 23 are patentable at least by virtue of their ultimate dependencies from independent claim 1. Wambach does not make up for the deficiencies of Gupta.

Further, with respect to claims 22 and 23, Applicants submit that even if, *arguendo*, Wambach discloses a glove that contains switches located on each finger to perform the various functions of the mouse such as drag and drop and selection, and even if, *arguendo*, Wambach teaches operations where a system senses when a finger is moved beyond a threshold rotation value, nowhere does Wambach disclose or suggest the specific feature of a sensor comprising at least a fixed member disposed on one segment of a finger and a moving member disposed on another segment of said finger, as described in claim 22.

Yet further, with respect to claim 23, nowhere does Wambach disclose a member wherein a fixed member and a moving member are connected via an axis. Therefore, at least based on the foregoing, Applicants submit that claims 8, 22 and 23 are patentably distinguishable over Gupta and Wambach, either alone or in combination.

§103(a) Rejections (Gupta / IBM) - Claims 11, 12 and 17-20

First, Applicants submit that dependent claims 11, 12 and 17-20 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1. IBM does not make up for the deficiencies of Gupta.

Further, with respect to dependent claims 11 and 19, Applicants previously argued that IBM does not disclose or suggest at least, "wherein in step (a), a speed at which the pointing screen is moved is set."

In response, the Examiner alleges:

> The Examiner refers to the claim as recited "The method of claim 1, wherein step (a), a speed at which the pointing screen is moved is set. The Examiner argues that the argument as presented is commensurate with the scope of the claim as recited. Nowhere in the claim does it state that the pointing screen could not be set to the cursor speed. Further, as the Examiner argues in the above rejection of the dependent claims 11 and 19, Gupta in view of IBM teaches the function of allowing a user to set any number of parameters on the display, which includes cursor speed, mouse controls, and other features to facilitate user interaction that could include any other area on the display. *See paragraph bridging pages 17 and 18 of Office Action.*
>
> Moreover, the selection event would need to be through some type input device as disclosed in the present specification application (Para 0064) where the input device mimics a mouse. The feature of setting a cursor speed on a display for an input device would be at least obvious if not inherent in the teachings of Gupta in view of IBM because they both teach the use of input devices and displays and selecting and moving information with a cursor on a display.

> Further, it is also known in the common art that most operating systems include a control panel for setting the display properties and input device controls.

In response, Applicants submit that the Examiner is utilizing impermissible hindsight reasoning in determining that the cursor speed could be the speed of the pointing screen. Even if, *arguendo*, a user can set any number of parameters on the display, nowhere does Gupta or IBM, either alone or in combination, disclose or suggest setting a speed at which the <u>pointing screen</u> is moved.

Further, if the Examiner believes that the above-discussed feature is common in the art, Applicants respectfully request that the Examiner produce references and/or materials that demonstrate that the specific feature of setting a speed at which the <u>pointing screen</u> is moved, is common knowledge in the art.

At least based on the foregoing, Applicants submit that claims 11 and 19 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

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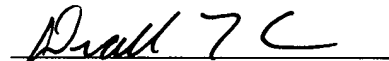
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Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060   Diallo T. Crenshaw
Facsimile: (202) 293-7860   Registration No. 52,778

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